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Atty. Docket No. CA1428
PATENT APPLICATIONAMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 10/044,355**REMARKS**

Claims 1-20 are all the claims pending in the application. Claims 1, 4, 11, 15 and 20 are being amended. No new matter has been introduced.

The Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being allegedly unpatentable over Davies et al. (U.S. patent publication No. 2003/0088658) in view of Mercier et al. (U.S. patent publication No. 2003/0005119) and further in view of Todd et al. (U.S. patent publication No. 2003/0115073). Applicants respectfully traverse this rejection in view of Applicants' amendments to independent claims 1, 4, 11, 15 and 20 and further in view of the following arguments.

Specifically, without admitting that Davies et al., Mercier et al. or Todd et al., taken singly or in combination, teach or suggest any other limitations of the pending claims, Applicants respectfully submit that none of the aforesaid references discloses the claimed account information, which comprises at least a billing information and a payment information.

In more detail, in the Office Action, the Examiner appears to admit that neither Davies et al. nor Todd et al. disclose the claimed account information and, therefore, the Examiner relies on the alleged teaching of Mercier et al. in an attempt to supply the missing disclosure. However, Mercier et al. also does not provide the required teaching. At paragraph 0015 Mercier et al. teaches calculating "cost" information based on the actual infrastructure used. However, because the customers in the system according to Mercier et al. use their own equipment, the calculated cost is never billed to the customers and, therefore, no billing and payment

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information is needed or maintained. This is clear from the following disclosure in the aforesaid paragraph 0015 of Mercier et al., which was cited by the Examiner: “many customers purchase expensive hardware in hopes of achieving high levels of availability. A calculation of the cost (switch ports used, HBA ports used, # gigabytes used) for each party may be provided to the customers to analyze their cost for performance and availability achieved...” Thus, Mercier et al. simply provides the “cost information” to customers as a tool, which helps those customers design efficient systems without purchasing overly expensive hardware. Therefore, the “cost information” of Mercier et al. cannot and does not include the billing information and payment information.

On the other hand, amended independent claims 1, 4, 11, 15 and 20 specifically recite a feature of the invention, wherein the account information includes at least a billing information and a payment information. This feature of the invention is not taught or suggested by the prior art of record or any combination thereof. Thus, claims 1, 4, 11, 15 and 20 are patentable over Davies et al., Mercier et al. and Todd et al.

With respect to the rejection of dependent claims 2, 3, 5-10, 12-14 and 16-19, while continuing to traverse the Examiner’s characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejection of these claims is rendered moot by the present amendment of the respective parent claims and that these claims are patentable by definition, by virtue of their dependence upon the patentable independent claims 1, 4, 11 and 15.

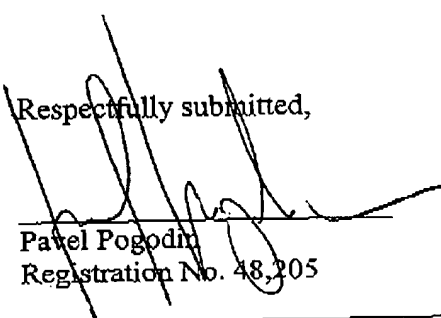
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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Pavel Pogodin
Registration No. 48,205

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: December 26, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.114(c) is being facsimile transmitted to the U.S. Patent and Trademark Office this 26th day of December, 2006.


Monica Moreno